

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA)
)
)
v.) CASE NO. DNCW3:01CR202-3
)
)(Financial Litigation Unit)
PAUL BERNARD SUTTA,)
)
and)
)
STONEWAY AVIATION, LLC,)
 Garnishee.)

ORDER OF CONTINUING GARNISHMENT

THIS MATTER is before the Court on the Answer of Stoneway Aviation, LLC, as Garnishee. On March 31, 2005, the Honorable Richard L. Voorhees sentenced Defendant to twelve months and one day incarceration on his conviction for Conspiracy to Defraud the United States and Conspiracy to Commit Money Laundering in violation of 18 U.S.C. §§ 371 and 1956(h). Judgment in the criminal case was filed on June 9, 2005 (Docket No. 291). As part of that Judgment, Defendant was ordered to pay an assessment of \$200 and restitution of \$13,664,460.26 to the victims of the crimes. *Id.*

On February 15, 2013, the Court entered a Writ of Continuing Garnishment ("Writ") (Docket No. 347), to Garnishee, Stoneway Aviation, LLC ("Garnishee"). The United States is entitled to a wage garnishment of up to twenty-five percent of net income and has satisfied the prerequisites set forth in 15 U.S.C. § 1673. Garnishee was served with the Writ on February 19, 2013. Defendant was served with the Writ on February 20, 2013. Garnishee filed an Answer on February 27, 2013 (Docket No. 350), and an Amended Answer on March 1, 2013 (Docket No. 351), stating that at the time of the service of the Writ, Garnishee had in their custody, control or possession property or funds owned by Defendant, including non-exempt disposable earnings.

IT IS THEREFORE ORDERED that an Order of Continuing Garnishment is hereby ENTERED in the amount of \$13,637,496.92 computed through February 14, 2013. Garnishee will pay the United States ten percent of Defendant's net earnings which remain after all deductions required by law have been withheld, and one hundred percent of all 1099 payments, and Garnishee will continue said payments until the debt to the Plaintiff is paid in full, or until Garnishee no longer has custody, possession or control of any property belonging to Defendant, or until further order of this Court.

Payments should be made payable to the United States Clerk of Court and mailed to:

Clerk of the United States District Court
401 West Trade Street
Charlotte, North Carolina 28202

In order to ensure that each payment is credited properly, the following information should be included on each check: Court Number DNCW3:01CR202-3.

Plaintiff will submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program, any federal payment Defendant would normally receive may be offset and applied to this debt.

SO ORDERED.

Signed: March 21, 2013



David S. Cayer
United States Magistrate Judge

